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Summary record of the 49th meeting
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Chairman: Mr. Faati (Vice-Chairman) ..... (Gambia)

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In the absence of Mr. Al Bayati (Iraq), Mr. Faati (Gambia), Vice-Chairman, took the Chair.

The meeting was called to order at 10.30 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/61/L.52)

Draft resolution A/C.3/61/L.52: Office of the United Nations High Commissioner for Refugees

1. **The Chairman** said that the draft resolution had no programme budget implications.

2. **Ms. Schlyter** (Sweden), speaking on behalf of the sponsors, thanked all delegations for their constructive cooperation and flexibility in achieving consensus on the draft resolution, and said that the large number of co-sponsors was an expression of solid support for the work of the Office of the United Nations High Commissioner for Refugees and for the role of the United Nations in humanitarian affairs.

3. She announced that Antigua and Barbuda, China, the Comoros, Montenegro, New Zealand, Peru, Swaziland and Uruguay had joined the sponsors of the draft resolution.

4. **Mr. Khane** (Secretary of the Committee) announced that Botswana, Burkina Faso, Côte d'Ivoire, Guyana, Jordan, Lesotho, Mali, Micronesia (Federated States of), Mozambique, the Niger, Suriname and Tunisia had joined the sponsors of the draft resolution.

5. *Draft resolution A/C.3/61/L.52 was adopted.*

Agenda item 61: Advancement of women (*continued*) (A/C.3/61/L.60)

Draft resolution A/C.3/61/L.60: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

6. **The Chairman** said that the draft resolution had no programme budget implications.

7. **Ms. Hughes** (United States of America), explaining her delegation's position, said that it was pleased to join the consensus on the draft resolution. Her country endorsed the important commitments and political goals set out in the Beijing Declaration and Platform for Action on the basis of the understanding, confirmed at the forty-ninth session of the Commission on the Status of Women, that those documents constituted an important policy framework that did not create new international legal rights, including a "right to abortion", or legally binding obligations on States under international law. Her delegation interpreted the phrase "welcomes the contributions of the Committee on the Elimination of Discrimination against Women to promoting the implementation of the Platform for Action" in paragraph 3 as referring to the contributions of that Committee to follow-up to the Beijing Declaration and Platform for Action rather than an endorsement of all its recommendations.

8. *Draft resolution A/C.3/61/L.60 was adopted.*

9. **Mr. Toh** (Singapore), explaining his delegation's position, said that Singapore was pleased to join the consensus on the draft resolution. Referring to paragraph 5, he said that reservations served an important purpose in that they allowed as many countries as possible to accede to international treaties and conventions at the earliest opportunity, and gave every State party a degree of flexibility, as required by its particular circumstances, in complying with its obligations under those instruments.

10. His delegation welcomed the fact that the draft resolution drew a distinction between those reservations that were compatible with the object and purpose of the Convention on the Elimination of All Forms of Discrimination against Women and those that were not. In that regard, he said that Singapore's position on withdrawal of reservations applied to all resolutions that referred to the question of compatibility of reservations.

Agenda item 66: Right of peoples to self-determination (*continued*) (A/C.3/61/L.50)

Draft resolution A/C.3/61/L.50: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

11. **Mr. Khane** (Secretary of the Committee), referring to financial provisions in relation to the draft resolution in accordance with rule 153 of the rules of procedure of the General Assembly, said that under paragraph 17 of the draft resolution, the General Assembly would request the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group on the use of

mercenaries with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that dealt with countering mercenary-related activities, in order to meet the demands of its current and future activities.

12. He recalled that the Secretary-General, in his report to the sixty-first session of the General Assembly on revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530), had informed the General Assembly that budgetary provisions had already been made for the activities related to the various human rights mandates listed in the annex to decision 1/102 of the Human Rights Council, within resources approved for the biennium 2006-2007. Those fell under section 2 (General Assembly and Economic and Social Council affairs and conference management), section 23 (Human rights) and section 28E (Administration, Geneva) of the programme budget for the biennium 2006-2007.

13. He further recalled that, by decision 1/102, the Human Rights Council had decided to extend exceptionally for one year, subject to the review to be undertaken by the Council in conformity with General Assembly resolution 60/251, the mandates and mandate holders of all special procedures of the Subcommission on the Promotion and Protection of Human Rights, together with the procedure established in accordance with Economic and Social Council resolution 1503 (XLVII) of 27 May 1970, as listed in the annex to the decision. The Working Group was included in that annex.

14. **Mr. Cumberbach Miguén** (Cuba), speaking on behalf of the sponsors, announced that Cambodia, the Comoros, Costa Rica, the Dominican Republic, the Gambia, Kenya, the Libyan Arab Jamahiriya, Peru, Sudan and Venezuela (Bolivarian Republic of) had joined the sponsors of the draft resolution. He thanked the sponsors for their support, and called on all other delegations to support the draft resolution so as to demonstrate the international community's firm condemnation of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.

15. **Mr. Khane** (Secretary of the Committee) said that Liberia and Sri Lanka had joined the sponsors of the draft resolution.

16. **The Chairman** announced that a recorded vote had been requested.

17. **Ms. Hughes** (United States of America), speaking in explanation of vote before the voting, said that her delegation would vote against the draft resolution. While the United States of America deplored the use of mercenaries, it was inappropriate for the Third Committee to spend its valuable time on discussions on that topic, which should take place within the Security Council, since they fall within the context of global conflict.

18. **Mr. Keisalo** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia, and, in addition, Moldova and Ukraine, said that they shared many of the concerns regarding the dangers of mercenary activities, including the negative impact of such activities on the duration and nature of armed conflicts, and strongly condemned the involvement of mercenaries in terrorist activities.

19. However, it could not support the draft resolution, since the Third Committee was not the appropriate forum in which to address the problem of mercenary activity, which should not be approached primarily as a human rights problem or a threat to the right of peoples to self-determination. Moreover, the relationship between terrorism and mercenary activity did not fall within the mandate of the Third Committee. Consideration of the use of mercenaries and the question of elaborating a legal definition of the term "mercenary" fell within the competence of the Sixth Committee.

20. Lastly, the European Union and the other countries referred to were determined to continue to participate actively, in the appropriate forums, in dialogue with interested States on ways to curb the threats posed by mercenary activities.

21. *At the request of the representative of Finland, a recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, Norway, Palau, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Fiji, Liechtenstein, New Zealand, Republic of Korea, Switzerland.

22. *Draft resolution A/C.3/61/L.50 was adopted by 116 votes to 49, with 5 abstentions.*

23. **Ms. Loguzzo** (Argentina) said that, while her delegation had voted in favour of the draft resolution, the reference in the text to the principle of self-determination was not properly contextualized, since it did not refer to the numerous United Nations resolutions on decolonization and non-self-governing territories — including those relating to the question of the Malvinas Islands — which recognized the non-applicability of the principle of self-determination in special and particular colonial situations and in the case of sovereignty disputes. In that regard, it was regrettable that the sponsors had not considered the amendments suggested by her delegation.

24. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the universal realization of the right of peoples to self-determination (A/61/333).

25. *It was so decided.*

26. **Mr. Lee-Smith** (United Kingdom), speaking in exercise of the right of reply with regard to statements made by the delegation of Argentina during action on draft resolutions A/C.3/61/L.46 and L.50, said his country's position regarding the Falkland Islands was well known and had most recently been set out in a letter from its Permanent Representative in a letter to the Secretary-General on 4 October 2006. His country had no doubts regarding its sovereignty over the Falklands, which would continue as long as their inhabitants so wished.

Agenda item 67: Promotion and protection of human rights (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/61/L.39)

Draft resolution A/C.3/61/L.39: Situation of human rights in Uzbekistan

27. **Mr. Cumberbach Miguén** (Cuba), speaking as Chairman of the Coordinating Bureau of the Non-Aligned Movement, reaffirmed the agreement reached by the Movement's Heads of State or Government at its recent Summit Conference, to the effect that exploitation of human rights for political purposes, including selective targeting of individual

countries for extraneous considerations, ran counter to the Movement's founding principles and the Charter of the United Nations and should be prohibited. They had also condemned selectivity and double standards in the promotion and protection of human rights. Accordingly, he encouraged all members of the Movement to adhere to those principles when voting on the country-specific draft resolutions before the Committee.

28. **Mr. Khane** (Secretary of the Committee) said that the Secretary-General had informed the General Assembly that budgetary provisions had already been made from the 2006-2007 regular budget for the activities relating to the various human rights mandates listed in the annex to Human Rights Council decision 1/102. In that decision, the Council had extended exceptionally for one year, subject to the Council's review, the mandates and the mandate holders of all special procedures of the Subcommission on the Promotion and Protection of Human Rights, and the procedure established under Economic and Social Council resolution 1503 (XLVIII), as listed in the annex to the decision, which included the independent expert on the situation of human rights in Uzbekistan.

29. **Ms. Hughes** (United States of America), speaking on behalf of the sponsors, which had been joined by Belgium, Bulgaria, Cyprus, Finland, France, Germany, Greece, Iceland, Italy, Latvia, Liechtenstein, Malta, Romania, Spain, Switzerland, and the former Yugoslav Republic of Macedonia, said that, at the European Union Cooperation Council meeting with Uzbekistan on 8 November 2006, agreement had been reached on amendments to the draft resolution to reflect commitments made by Uzbekistan.

30. **Mr. Vohidov** (Uzbekistan), raising a point of order, moved for the adjournment of the debate on the draft resolution. His motion was based on the rules of procedure of the General Assembly, the agreement of the Heads of State and Government of the countries of the Non-Aligned Movement, and the recent decision of the Foreign Ministers of the member States of the Organization of the Islamic Conference opposing the submission of country-specific resolutions on human rights situations, which selectively targeted Islamic and developing countries, as well as a similar decision by the African Union.

31. **The Chairman** said that, under rule 116 of the rules of procedure of the General Assembly, he would give the floor to two delegations in favour of the motion to adjourn debate and two delegations that opposed it, following which the motion would be immediately put to the vote.

32. **Ms. Adjalova** (Azerbaijan) said her delegation supported the motion proposed by Uzbekistan.

33. **Ms. Zhang** Dan (China), supporting the motion proposed by Uzbekistan, said her delegation regretted the confrontational nature of the draft resolution. Since the adoption of General Assembly resolution 60/174, Uzbekistan had been endeavouring to resolve differences in human rights among parties through dialogue. The Committee's meetings at the current session were attended by a high-level Uzbek delegation, which had engaged in extensive dialogue with all parties and had provided information on its efforts to protect human rights. She hoped that the sponsors would carefully review that material and consider withdrawing the draft resolution, and called on other delegations to support the motion by Uzbekistan.

34. **Mr. Keisalo** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Iceland, Liechtenstein, Moldova, Norway and Ukraine, said they opposed the motion to adjourn debate, which was clearly intended to prevent the Committee from dealing with country-specific resolutions. For any country, large or small, to be above consideration by international human rights forums would run counter to the universality and interdependence of human rights.

35. The Third Committee must address the human rights situation in Uzbekistan, given the serious and continuing violations there. To discontinue the discussion would be to fail the very people that it was trying to protect. The motion, if successful, would prevent consideration of issues covered in United Nations resolutions, which was contrary to the spirit of dialogue to which the European Union was attached. For the General Assembly to remain silent would be to undermine its own credibility. The Third Committee was the only human rights body with universal membership, and, as such, should deal with the issue. The European Union, therefore, strongly urged

delegations to reject the motion under consideration as a matter of principle.

36. **Mr. Normandin** (Canada) said that the motion to adjourn debate was in direct opposition to the aspirations of the General Assembly in the field of human rights. If approved, it would marginalize the General Assembly, undermine its credibility and negate its jurisdiction and responsibility. Discussion of human rights in the United Nations should cover not only norms, but also the enjoyment of such rights. When victims of human rights violations had no recourse in their own countries, they had perforce to count on the United Nations, which should not fail them by abandoning its role. Some thought that the appropriate forum for such matters was the Human Rights Council, but the General Assembly and the Third Committee still had their role in such issues. The merits of all human rights draft resolutions should be discussed, and each delegation could vote as it saw fit. All delegations should uphold the important role of the General Assembly and the Third Committee in that regard by rejecting the motion.

37. *A recorded vote was taken on the motion for the adjournment of debate concerning draft resolution A/C.3/61/L.39.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Central African Republic, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Eritrea, Fiji, Gabon, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Mauritius, Morocco, Myanmar, Namibia, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Benin, Bosnia and Herzegovina, Brazil, Cape Verde, Colombia, Djibouti, Ethiopia, Ghana, Guyana, Haiti, Iraq, Jamaica, Kenya, Malawi, Mali, Mozambique, Nepal, Nigeria, Rwanda, Somalia, Swaziland, Turkmenistan, Uganda, United Republic of Tanzania.

38. *The motion was approved by 74 votes in favour to 69 against, with 24 abstentions.*

The meeting rose at 11.20 p.m.